

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENWOOD DIVISION

Shane Edward Foxworth, # 200737,)	C/A No. 8:08-2795-CMC-BHH
)	
Plaintiff,)	
)	ORDER
vs.)	
)	
Simon Major, Jr., Director Sumter-Lee)	
Regional Detention Center; President)	
Jeffrey Reason, Southern Health)	
Partners, Inc.; Officer Mike Ducum,)	
SLRDC; Captain Oliver Wiley, SLRDC;)	
Major Darryl McGhaney, SLRDC;)	
Captain Ronald Giullard, SLRDC;)	
Ms. Flora Laraque, LPN,)	
Southern Health Partners, Inc.;)	
Lieutenant Patricia McMillan, SLRDC;)	
Officer Barry Windham, SLRDC;)	
Ms. Crystal McKay, LPN,)	
Southern Health Partners, Inc.;)	
Ms. Lashawn Fontain, Med-Tech,)	
Southern Health Partners, Inc.;)	
Sergeant Milton Brooks, SLRDC;)	
Officer Hope Green, SLRDC,)	
)	
Defendants.)	
_____)	

This matter is before the court on Plaintiff's *pro se* complaint, filed in this court pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, this matter was referred to United States Magistrate Judge Bruce Howe Hendricks for pre-trial proceedings and a Report and Recommendation ("Report"). On July 8, 2009, the Magistrate Judge issued a Report recommending that Plaintiff's motion for summary judgment be denied, that Defendant Jeffrey A. Reason's motion to dismiss be granted, and that the remaining Defendants'

motions for summary judgment be granted.¹ The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff has filed no objections and the time for doing so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”) (citation omitted).

After reviewing the record of this matter, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court agrees with the conclusions of the Magistrate Judge. Accordingly, the court adopts and incorporates the Report and Recommendation by reference in this Order. Plaintiff’s motion for summary judgment is **denied**. Defendant Reason’s motion to dismiss is **granted**. The remaining Defendants’ motions for summary judgment are **granted**.

¹By order filed February 17, 2009, Defendant Jimmy Lacosta was dismissed from this action without prejudice.

This matter is dismissed with prejudice as to Plaintiff's federal claims as to all Defendants except previously-dismissed Defendant Jimmy Lacosta. To the extent Plaintiff asserts state law claims in this action, the court declines to exercise supplemental jurisdiction over the claims and dismisses them without prejudice.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
July 30, 2009